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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,292	04/18/2001	Tomoyuki Okada	2001-0453	6901

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EXAMINER

BOCCIO, VINCENT F

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 03/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/836,292

Applicant(s)

OKADA ET AL.

Examiner

Vincent F. Boccio

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on Amendment of 12/20/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,6,9,18,20 and 23-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,6,9,20 and 23-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/443,498.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/20/05</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2616.

Response to Arguments

1. Applicant's arguments with respect to amended claims 1, 18, 20 and new claims 23-27 have been considered but are moot in view of the new ground(s) of rejection.

On an updated search the examiner had located a reference now applied deemed relevant to applicants current claims, the examiner apologizes for not located this deemed relevant teaching sooner.

The examiner invites applicant for a discussion with respect to the current claims and prior art, used and of record, to assist in determining patentability of either the present or claims in an amended form.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 1-3, 6, 18, 20, 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujinami et al. (US

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5,881,203) in view of Tanoue et al. (US 6,298,033) and Kikuchi et al. (US 5,870,523).

Regarding claims 1-3, 6, the examiner incorporates by reference the last rejection against the claims, as amended the combination of Fujinami and Tanoue fails to disclose the map information has flag information to indicate which block includes the leading data of the intra-coded picture data of at least one block.

The examiner cites Kikuchi which teaches providing map (Fig. 35 A) and flag (Fig. 35 B, "V_FWD_Exist 1 ..." & Fig. 35 C, V_BWD_Exist 1 ...", exists or not, for VOBUs for play both directions, wherein each has an I frame at its head if video) information to indicate which block includes the leading data of the intra-coded picture data of at least one block, as taught by Kikuchi.

Therefore, it would have been obvious to those skilled in the art at the time of the invention to modify the combination as applied and provide a flag to the map to indicate which block includes the leading data of the intra-coded picture data of at least one block, as taught by Kikuchi.

Claims 18, 20, 23-26 have been analyzed and discussed with respect to the claims above and the last action incorporated by reference

2. Claims 9 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Fujinami et al. (US 5,881,203) and Tanoue et al. (US 6,298,033) and Kikuchi et al. (US 5,870,523), as applied and further in view of Lenihan et al. (US 6,169,843).

Regarding claims 9 and 27, the combination as applied reads on objects being MPEG encoded and wherein the Intra-picture data is an I-picture, but, fails to disclose that the at least one object is an MPEG transport stream.

Lenihan teaches the concept of recording by converting a program stream into a transport stream (Fig. 2, by one way to describe the process is to encapsulate the program stream after encoding and convert the program stream format), wherein the TS, lends itself to error prone environments, as is well known.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify the combination by

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incorporating the teaching of recording in the transport stream format, as taught by Lenihan.

It is deemed obvious that the DVD structures can utilize and adapt to the MPEG transport stream data structure -vs.- the program stream data structure.

Contact Fax Information


Any response to this action should be faxed to:

(571) 273-8300, for communication as intended for entry,
this Central Fax Number as of 7/15/05

Contact Information

Any inquiry concerning this communication or earlier communications should be directed to the examiner of record, Monday-Tuesday & Thursday-Friday, 8:00 AM to 5:00 PM Vincent F. Boccio (571) 272-7373.

Primary Examiner, Boccio, Vincent
3/6/06


VINCENT BOCCIO
PRIMARY EXAMINER